IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Bail Appl..No. 7059 of 2006(N)

CP.67/2006 of J.M.F.C.,OTTAPPALAM
CRIME NO.170/06 OF OTTAPPALAM POLICE STATION

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PETITIONERS/ACCUSED

1. NISHAD, S/O.MUHAMMED,
   AGED 22 YEARS, VATTARA HOUSE,
   VAROD, OTTAPALAM, PALAKKAD DISTRICT.

2. DAVOOD, S/O.SULAIMAN,
   THARUMDIKKAL HOUSE,
   VAROD, OTTAPALAM, PALAKKAD DISTRICT.

3. RAZAK, S/O.SULAIMAN,
   AGED 31 YEARS, THARUMDIKKAL HOUSE,
   VAROD, OTTAPALAM, PALAKKAD DISTRICT.

4. KHAJA HUSSAIN,
   S/O.ALAVI, AGED 28 YEARS,
   CHATHANKULAM HOUSE,
   PADINJATTUMURI, OTTAPALAM,
   PALAKKAD DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT

STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
OTTAPALAM POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7059 OF 2006

DATED THIS THE **29th** DAY OF NOVEMBER, 2006

O R D E R

Petitioners who are accused Nos.3, 7, 9 and 11 in Crime No.170/06 of Ottappalam Police Station for offences punishable under sections 143, 147, 148, 341, 324 and 308 read with section 149 IPC, seek bail.

2. According to the petitioners, they did not receive summons form the committal court and therefore they appeared through counsel and filed an application for bail which has been dismissed for the reason that they were absconding during the stage of investigation.

3. A report was called for from the committal court wherein it is stated that since the petitioners failed to appear on summons, non-bailable warrants of arrest were ordered against them and at that stage, they surrendered and filed applications for bail which were dismissed and they were remanded to judicial custody. Technically, the Magistrate cannot be found fault with for remanding the petitioners to custody. However, having

regard to the fact that the petitioners undertake to appear on all the postings, I am inclined to grant bail to the petitioners. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.10,000/= (Rupees Ten Thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Ottappalam and subject to appropriate conditions to be imposed by the Magistrate which shall include a condition that the petitioners will appear before the committal court and the court to which the case is committed or made over for trial on all the postings of the case.

V.RAMKUMAR, JUDGE

dsn